

HOUSE BILL No. 1110

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-26-6; IC 31-34-24.1; IC 31-37-24.1.

Synopsis: Early intervention services plans. Creates the community services plan for early intervention services for delinquent children and children in need of services. Repeals the chapter concerning regional service strategic plans.

Effective: July 1, 2010.

Summers

January 5, 2010, read first time and referred to Committee on Family, Children and Human Affairs.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

HOUSE BILL No. 1110

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-44.8, AS AMENDED BY P.L.146-2008,
2 SECTION 544, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2010]: Sec. 44.8. "Family preservation
4 services", for purposes of ~~IC 31-26-6~~, **IC 31-34-24.1** and
5 **IC 31-37-24.1**, means short term, highly intensive services designed to
6 protect, treat, and support the following:

- 7 (1) A family with a child at risk of placement by enabling the
8 family to remain intact and care for the child at home.
9 (2) A family that adopts or plans to adopt an abused or neglected
10 child who is at risk of placement or adoption disruption by
11 assisting the family to achieve or maintain a stable, successful
12 adoption of the child.

13 SECTION 2. IC 31-9-2-92.5, AS AMENDED BY P.L.146-2008,
14 SECTION 546, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2010]: Sec. 92.5. (a) "Plan", for purposes of
16 ~~IC 31-26-6~~, **IC 31-34-24.1**, has the meaning set forth in ~~IC 31-26-6-1~~.
17 **IC 31-34-24.1-1.**



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(b) "Plan", for purposes of IC 31-25-4, has the meaning set forth in IC 31-25-4-5.

(c) "Plan", for purposes of IC 31-37-24.1, has the meaning set forth in IC 31-37-24.1-1.

SECTION 3. IC 31-9-2-103.6, AS ADDED BY P.L.146-2008, SECTION 549, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 103.6. "Region", for purposes of this title, refers to an area in Indiana designated as a region by the department. However, for purposes of

(+) IC 31-25-2-20, the term refers to a region established under IC 31-25-2-20. ~~and~~

(2) ~~IC 31-26-6, the term refers to a service region established under IC 31-26-6-3.~~

SECTION 4. IC 31-9-2-129, AS AMENDED BY P.L.146-2008, SECTION 553, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 129. (a) "Team", for purposes of IC 31-33-3, refers to a community child protection team appointed under IC 31-33-3.

(b) "Team", for purposes of IC 31-34-24.1, has the meaning set forth in IC 31-34-24.1-2.

(c) "Team", for purposes of IC 31-37-24.1, has the meaning set forth in IC 31-37-24.1-2.

SECTION 5. IC 31-34-24.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 24.1. Plan Coordination

Sec. 1. As used in this chapter, "plan" means a community services plan for early intervention services to achieve the purposes described in section 3 of this chapter.

Sec. 2. As used in this chapter, "team" means:

- (1) an early intervention plan team appointed as provided in section 4 of this chapter; or**
- (2) an organization described in section 5 of this chapter.**

Sec. 3. Each county shall develop a community services plan for early intervention that is tailored to provide services targeted to the individual needs of children who:

- (1) have been either:**
 - (A) adjudicated as, or alleged in a proceeding initiated under this article to be, children in need of services; or**
 - (B) identified by the county office, based on information received from:**
 - (i) a school;**

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- (ii) a social service agency;
- (iii) a court;
- (iv) a probation department;
- (v) the children's parent or guardian; or
- (vi) an interested person in the community having knowledge of the children's environment and family circumstances;

and, after an informal investigation, as substantially at risk of becoming children in need of services; and

- (2) have been referred to the county office by, or with the consent of, the children's parents, guardians, or custodians for services to be provided through the plan based on an individual case plan for the children.

Sec. 4. (a) Each county shall establish a team to develop a plan as described in this chapter.

(b) The team is composed of the following members, each of whom serves at the pleasure of the member's appointing authority:

- (1) Two (2) members appointed by the judge or judges of the juvenile court, one (1) of whom is a representative of the probation department.**

- (2) Two (2) members appointed by the director of the county office as follows:**

(A) One (1) is a member of the staff of the department who provides child welfare services to the county office.

(B) One (1) member is either:

- (i) an interested resident of the county; or**
- (ii) a representative of a social service agency;**

who knows of child welfare needs and services available to residents of the county.

- (3) One (1) member appointed by the superintendent of the largest school corporation in the county.**

(4) If:

(A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or

(B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

- (5) One (1) member appointed by the county fiscal body.**

- (6) One (1) member representing the community mental health center (as defined in IC 12-7-2-38) serving the county,**

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1 appointed by the director of the community mental health
 2 center. However, if more than one (1) community mental
 3 health center serves the county, the member shall be
 4 appointed by the county fiscal body.

5 (7) One (1) or more additional members appointed by the
 6 chairperson of the team, from among interested or
 7 knowledgeable residents of the community or representatives
 8 of agencies providing social services to or for children in the
 9 county.

10 Sec. 5. If a county has in existence a committee, council, or other
 11 organized group that includes representatives of all of the
 12 appointing authorities described in section 4 of this chapter, the
 13 county director may elect to designate that organization as the
 14 county's team for purposes of this chapter.

15 Sec. 6. (a) The county director shall convene an organizational
 16 meeting of the members of the team appointed under section 4 of
 17 this chapter.

18 (b) The county director shall serve as the chairperson of the
 19 team. The team shall select one (1) of its members as vice
 20 chairperson.

21 Sec. 7. Before January 1 of each year, the team shall prepare
 22 and submit to each judge having juvenile jurisdiction in the county
 23 the team's plan for review and comment. The judge shall submit
 24 any comments to the chairperson not more than fifteen (15)
 25 calendar days after receiving the plan. The team shall before
 26 January 25 of each year transmit a copy of the plan, including any
 27 comments from the judge, to:

- 28 (1) the director; and
- 29 (2) the state superintendent of public instruction.

30 Sec. 8. In preparing the plan, the team shall review and consider
 31 existing publicly and privately funded programs that are available
 32 or that could be made available in the county to provide supportive
 33 services to or for the benefit of children described in section 3 of
 34 this chapter without removing the child from the family home,
 35 including programs funded through the following:

- 36 (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et
 37 seq.).
- 38 (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et
 39 seq.).
- 40 (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- 41 (4) The Child Abuse Prevention and Treatment Act (42 U.S.C.
 42 5106 et seq.).

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- (5) Community corrections programs under IC 11-12.
- (6) Special education programs under IC 20-35-6-2.
- (7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the department, county offices, prosecuting attorneys, or juvenile courts, including programs funded under IC 31-40.
- (8) Probation user's fees under IC 31-40-2-1.
- (9) The county child advocacy fund under IC 12-17-17.

Sec. 9. The objectives of the plan include the following:

- (1) Promoting the welfare of children and self-sufficiency of families with children at risk of abuse or neglect, dependency, or delinquency, as described in this chapter.
- (2) Preventing or reducing the number of cases of child abuse, delinquency, or neglect that may require juvenile court intervention.
- (3) Coordinating available resources to promote efficiency and avoid duplication of programs and services.
- (4) Reducing or minimizing the cost of providing services to children and families with children who are or may become children in need of services.
- (5) Reducing or eliminating to the extent possible the need to remove children from their parents, guardians, or custodians for foster home care or institutional placement.

Sec. 10. The team may adopt as its plan an existing plan for provision of family preservation services that:

- (1) is in effect in the county;
- (2) includes services for a child less than eighteen (18) years of age who reasonably may be expected to face out-of-home placement under IC 31-34 or IC 31-37 as a result of:
 - (A) dependency, abuse, or neglect;
 - (B) emotional disturbance; or
 - (C) delinquency adjudication; and
- (3) addresses all of the objectives described in this section.

Sec. 11. The director or the state superintendent of public instruction may, not later than thirty (30) days after receiving the plan, transmit to the team and the county fiscal body any comments, including recommendations for modification of the plan, that the director or the state superintendent of public instruction considers appropriate.

Sec. 12. Not later than sixty (60) days after receiving the plan, the county fiscal body shall do one (1) of the following:

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- (1) Approve the plan as submitted by the team.
- (2) Approve the plan with amendments, modifications, or revisions adopted by the county fiscal body.
- (3) Return the plan to the team with directions concerning:
 - (A) subjects for further study and reconsideration; and
 - (B) resubmission of a revised plan.

Sec. 13. (a) The team shall meet at least one (1) time each year to do the following:

- (1) Develop, review, or revise a strategy that identifies:
 - (A) the manner in which prevention and early intervention services will be provided or improved;
 - (B) how local collaboration will improve children's services; and
 - (C) how different funds can be used to serve children and families more effectively.
- (2) Reorganize as needed and select its vice chairperson for the ensuing year.
- (3) Review the implementation of the plan and prepare revisions, additions, or updates of the plan that the team considers necessary or appropriate to improve the quality and efficiency of early intervention child welfare services provided in accordance with the plan.
- (4) Prepare and submit to the county fiscal body a report on the operations of the plan during the preceding year and a revised and updated plan for the ensuing year.

(b) The chairperson or vice chairperson of the team or the county fiscal body may convene any additional meetings of the team that are, in the chairperson's or vice chairperson's opinion, necessary or appropriate.

Sec. 14. The team or the county fiscal body shall transmit copies of the plan, each annual report, and each revised plan to the following:

- (1) The director.
- (2) The state superintendent of public instruction.
- (3) The county office.
- (4) The juvenile court.
- (5) The superintendent of each public school corporation in the county.
- (6) The local step ahead council.
- (7) Any public or private agency that:
 - (A) provides services to families and children in the county that requests information about the plan; or

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(B) the team has identified as a provider of services relevant to the plan.

Sec. 15. The team or the county fiscal body shall publicize to residents of the county the existence and availability of the plan.

Sec. 16. Two (2) or more contiguous counties may, by agreement of the counties' county directors, establish a joint team and adopt a single multicounty plan for the purposes described in this chapter.

Sec. 17. The juvenile court, in implementing a program of informal adjustment for a child under IC 31-34-8, shall consider and use to the extent feasible any available services described in a plan approved under this chapter.

SECTION 6. IC 31-37-24.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 24.1. Plan Coordination

Sec. 1. As used in this chapter, "plan" means a community services plan for early intervention services to achieve the purposes described in section 3 of this chapter.

Sec. 2. As used in this chapter, "team" means:

- (1) an early intervention plan team appointed as provided in section 4 of this chapter; or
- (2) an existing organization described in section 5 of this chapter.

Sec. 3. Each county shall develop a community services plan for early intervention that is tailored to provide services targeted to the individual needs of children who:

(1) have been either:

- (A) adjudicated as, or alleged in a proceeding initiated under this article to be, children in need of services; or
- (B) identified by the county office, based on information received from:

- (i) a school;
- (ii) a social service agency;
- (iii) a court;
- (iv) a probation department;
- (v) the children's parents, guardians, or custodians; or
- (vi) an interested person in the community having knowledge of the children's environment and family circumstances;

and, after an informal investigation, as substantially at risk of becoming children in need of services; and

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(2) have been referred to the county office by, or with the consent of, the children's parents, guardians, or custodians for services to be provided through the plan based on an individual case plan for the children.

Sec. 4. (a) Each county shall establish a team to develop a plan as described in this chapter.

(b) The team is composed of the following members, each of whom serves at the pleasure of the member's appointing authority:

(1) Two (2) members appointed by the judge or judges of the juvenile court, one (1) of whom is a representative of the probation department.

(2) Two (2) members appointed by the director of the county office as follows:

(A) One (1) is a member of the staff of the department who provides child welfare services to the county office.

(B) One (1) member is either:

(i) an interested resident of the county; or

(ii) a representative of a social service agency;

who knows of child welfare needs and services available to residents of the county.

(3) One (1) member appointed by the superintendent of the largest school corporation in the county.

(4) If:

(A) two (2) school corporations are located within the county, one (1) member appointed by the superintendent of the second largest school corporation in the county; or

(B) more than two (2) school corporations are located within the county, one (1) member appointed by the county fiscal body as a representative of school corporations other than the largest school corporation in the county.

(5) One (1) member appointed by the county fiscal body.

(6) One (1) member representing the community mental health center (as defined in IC 12-7-2-38) serving the county, appointed by the director of the community mental health center. However, if more than one (1) community mental health center serves the county, the member shall be appointed by the county fiscal body.

(7) One (1) or more additional members appointed by the chairperson of the team, from among interested or knowledgeable residents of the community or representatives of agencies providing social services to or for children in the county.

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1 **Sec. 5.** If a county has in existence a committee, council, or other
 2 organized group that includes representatives of all of the
 3 appointing authorities described in section 4 of this chapter, the
 4 county director may elect to designate that organization as the
 5 county's team for purposes of this chapter.

6 **Sec. 6. (a)** The county director shall convene an organizational
 7 meeting of the members of the team appointed under section 4 of
 8 this chapter.

9 **(b)** The county director shall serve as the chairperson of the
 10 team. The team shall select one (1) of its members as vice
 11 chairperson.

12 **Sec. 7.** Before January 1 of each year, the team shall prepare
 13 and submit to each judge having juvenile jurisdiction in the county
 14 the team's plan for review and comment. The judge shall submit
 15 any comments to the chairperson not more than fifteen (15)
 16 calendar days after receiving the plan. The team shall before
 17 January 25 of each year transmit a copy of the plan, including any
 18 comments from the judge, to:

19 (1) the director; and

20 (2) the state superintendent of public instruction.

21 **Sec. 8.** In preparing the plan, the team shall review and consider
 22 existing publicly and privately funded programs that are available
 23 or that could be made available in the county to provide supportive
 24 services to or for the benefit of children described in section 3 of
 25 this chapter without removing the children from the family home,
 26 including programs funded through the following:

27 (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et
 28 seq.).

29 (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et
 30 seq.).

31 (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

32 (4) The Child Abuse Prevention and Treatment Act (42 U.S.C.
 33 5106 et seq.).

34 (5) Community corrections programs under IC 11-12.

35 (6) Special education programs under IC 20-35-6-2.

36 (7) All programs designed to prevent child abuse, neglect, or
 37 delinquency, or to enhance child welfare and family
 38 preservation administered by, or through funding provided
 39 by, the department, county offices, prosecuting attorneys, or
 40 juvenile courts, including programs funded under IC 31-40.

41 (8) Probation user's fees under IC 31-40-2-1.

42 (9) The county child advocacy fund under IC 12-17-17.

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1 **Sec. 9. The objectives of the plan include the following:**

2 (1) Promoting the welfare of children and self-sufficiency of
3 families with children at risk of abuse or neglect, dependency,
4 or delinquency, as described in this chapter.

5 (2) Preventing or reducing the number of cases of child abuse,
6 delinquency, or neglect that may require juvenile court
7 intervention.

8 (3) Coordinating available resources to promote efficiency
9 and avoid duplication of programs and services.

10 (4) Reducing or minimizing the cost of providing services to
11 children and families with children who are or may become
12 children in need of services.

13 (5) Reducing or eliminating to the extent possible the need to
14 remove children from their parents, guardians, or custodians
15 for foster home care or institutional placement.

16 **Sec. 10. The team may adopt as its plan an existing plan for**
17 **provision of family preservation services that:**

18 (1) is in effect in the county;

19 (2) includes services for a child less than eighteen (18) years
20 of age who reasonably may be expected to face out-of-home
21 placement under IC 31-34 or IC 31-37 as a result of:

22 (A) dependency, abuse, or neglect;

23 (B) emotional disturbance; or

24 (C) delinquency adjudication; and

25 (3) addresses all of the objectives described in this section.

26 **Sec. 11. The director or the state superintendent of public**
27 **instruction may, not later than thirty (30) days after receiving the**
28 **plan, transmit to the team and the county fiscal body any**
29 **comments, including recommendations for modification of the**
30 **plan, that the director or the state superintendent of public**
31 **instruction considers appropriate.**

32 **Sec. 12. Not later than sixty (60) days after receiving the plan,**
33 **the county fiscal body shall do one (1) of the following:**

34 (1) Approve the plan as submitted by the team.

35 (2) Approve the plan with amendments, modifications, or
36 revisions adopted by the county fiscal body.

37 (3) Return the plan to the team with directions concerning:

38 (A) subjects for further study and reconsideration; and

39 (B) resubmission of a revised plan.

40 **Sec. 13. (a) The team shall meet at least one (1) time each year**
41 **to do the following:**

42 (1) Develop, review, or revise a strategy that identifies:

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- 1 (A) the manner in which prevention and early intervention
- 2 services will be provided or improved;
- 3 (B) how local collaboration will improve children's
- 4 services; and
- 5 (C) how different funds can be used to serve children and
- 6 families more effectively.
- 7 (2) Reorganize as needed and select its vice chairperson for
- 8 the ensuing year.
- 9 (3) Review the implementation of the plan and prepare
- 10 revisions, additions, or updates of the plan that the team
- 11 considers necessary or appropriate to improve the quality and
- 12 efficiency of early intervention child welfare services provided
- 13 in accordance with the plan.
- 14 (4) Prepare and submit to the county fiscal body a report on
- 15 the operations of the plan during the preceding year and a
- 16 revised and updated plan for the ensuing year.
- 17 (b) The chairperson or vice chairperson of the team or the
- 18 county fiscal body may convene any additional meetings of the
- 19 team that are, in the chairperson's or vice chairperson's opinion,
- 20 necessary or appropriate.
- 21 Sec. 14. The team or the county fiscal body shall transmit copies
- 22 of the plan, each annual report, and each revised plan to the
- 23 following:
- 24 (1) The director.
- 25 (2) The state superintendent of public instruction.
- 26 (3) The county office.
- 27 (4) The juvenile court.
- 28 (5) The superintendent of each public school corporation in
- 29 the county.
- 30 (6) The local step ahead council.
- 31 (7) Any public or private agency that:
- 32 (A) provides services to families and children in the county
- 33 that requests information about the plan; or
- 34 (B) the team has identified as a provider of services
- 35 relevant to the plan.
- 36 Sec. 15. The team or the county fiscal body shall publicize to
- 37 residents of the county the existence and availability of the plan.
- 38 Sec. 16. Two (2) or more contiguous counties may, by agreement
- 39 of the counties' county directors, establish a joint team and adopt
- 40 a single multicounty plan for the purposes described in this
- 41 chapter.
- 42 Sec. 17. The juvenile court, in implementing a program of

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1 **informal adjustment for a child under IC 31-34-8, shall consider**
2 **and use to the extent feasible any available services described in a**
3 **plan approved under this chapter.**

4 SECTION 7. IC 31-26-6 IS REPEALED [EFFECTIVE JULY 1,
5 2010].

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